

**DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
with Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

Attorney Docket Number 3801P090

First Named Inventor Benjamin David Foster

COMPLETE IF KNOWN

Application Number 10/689,970

Filing Date October 20, 2003

Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM**

*(Title of the Invention)*

the specification of which

☐ is attached hereto.

OR

☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

PCT International Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.


Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
		Zip Code	90025
Country	USA	Telephone	(408) 947-8200
		Fax	(408) 947-8280

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature  Date 5/12/2004

Residence San Jose, California USA Citizenship USA  
*(City, State, Country)* *(Country)*

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA

**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)

Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt. 5  
San Jose, California 95125 USA

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

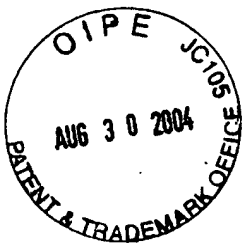
**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_



Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadico, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



**DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION  
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(37 CFR 1.16(e))  
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Attorney Docket Number 3801P090

First Named Inventor Benjamin David Foster

**COMPLETE IF KNOWN**

Application Number 10/689,970

Filing Date October 20, 2003

Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

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*(Title of the Invention)*

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☐ is attached hereto.

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☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

and was amended on \_\_\_\_\_ PCT International Application Number \_\_\_\_\_  
(if applicable)

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Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
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			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

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Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
		Zip Code	90025
Country	USA	Telephone	(408) 947-8200
		Fax	(408) 947-8280

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

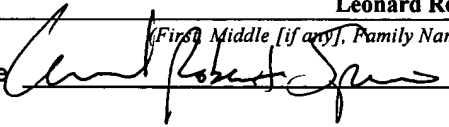
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA



**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*  
Inventor's Signature  Date 7/26/04  
Residence Redwood City, California USA Citizenship USA  
*(City, State, Country)* *(Country)*  
Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence San Jose, California USA Citizenship Canada  
*(City, State, Country)* *(Country)*  
Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence San Jose, California USA Citizenship USA  
*(City, State, Country)* *(Country)*  
Mailing Address 65 Glen Eyrie Avenue, Apt. 5  
San Jose, California 95125 USA

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Los Gatos, California USA Citizenship USA  
*(City, State, Country)* *(Country)*  
Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)  
Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)  
Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_



Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

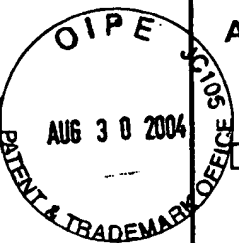
(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



**DECLARATION AND POWER OF  
ATTORNEY FOR PATENT APPLICATION  
(37 CFR 1.63)**

☐ Declaration  
Submitted  
with Initial  
Filing

OR

☒ Declaration  
Submitted after Initial  
Filing (surcharge  
(37 CFR 1.16(e))  
required)

Attorney Docket Number 3801P090

First Named Inventor Benjamin David Foster

COMPLETE IF KNOWN

Application Number 10/689,970

Filing Date October 20, 2003

Art Unit Not Yet Assigned

Examiner Name Not Yet Assigned

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM**

*(Title of the Invention)*

the specification of which

☐ is attached hereto.

OR

☒ was filed on (if applicable):

or 10/20/2003

as United States Application Number

10/689,970

PCT International Application Number

and was amended on

(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s):**

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

<b>Name</b> André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP			
<b>Address</b> 12400 Wilshire Boulevard, 7th Floor			
<b>City</b> Los Angeles	<b>State</b> California	<b>Zip Code</b> 90025	
<b>Country</b> USA	<b>Telephone</b> (408) 947-8200	<b>Fax</b> (408) 947-8280	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

**Full Name:** Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

**Inventor's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Residence** San Jose, California USA **Citizenship** USA  
(City, State, Country) (Country)

**Mailing Address** 350 E. Taylor Street, Apt. 5211  
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NAME OF SECOND INVENTOR: ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle (if any), Family Name (or Surname), and Suffix (if any))

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

NAME OF THIRD INVENTOR: ☐ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle (if any), Family Name (or Surname), and Suffix (if any))

Inventor's Signature L. Kathleen Stewart Date AUG 25 2004

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)

Mailing Address 1725 Glen Una Avenue New Address: 7034 - 61st St.  
San Jose, California 95125 USA Rocky Mountain House  
AB, Canada T4T-1M2

NAME OF FOURTH INVENTOR: ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle (if any), Family Name (or Surname), and Suffix (if any))

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt 5  
San Jose, California 95125 USA

NAME OF FIFTH INVENTOR: ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle (if any), Family Name (or Surname), and Suffix (if any))

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wallin Way  
Los Gatos, California 95032 USA

Doc. # No. 3801P090

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_





Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

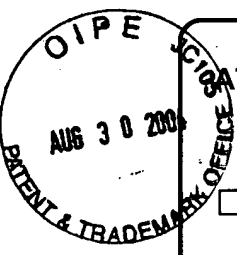
(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



<b>DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION</b> (37 CFR 1.63)		Attorney Docket Number 3801P090	
		First Named Inventor	Benjamin David Foster
COMPLETE IF KNOWN			
<input type="checkbox"/> Declaration Submitted with Initial Filing  OR  <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)		Application Number	10/689,970
		Filing Date	October 20, 2003
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM**

(Title of the Invention)

the specification of which

☐ is attached hereto.

OR

☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

PCT International Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
		Zip Code	90025
Country	USA	Telephone	(408) 947-8200
		Fax	(408) 947-8280

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA

**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)


Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature  Date 10 MAY 2004

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt. 5 1152 LYNHURST WAY  
San Jose, California 95125 USA SAN JOSE, CA 95118 

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
*(City, State, Country)* *(Country)*

Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
*(City, State, Country)* *(Country)*

Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
*(City, State, Country)* *(Country)*

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
*(City, State, Country)* *(Country)*

Mailing Address \_\_\_\_\_  
\_\_\_\_\_



Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.





<b>DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)</b>		Attorney Docket Number	3801P090
		First Named Inventor	Benjamin David Foster
<input type="checkbox"/> Declaration Submitted with Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)		<b>COMPLETE IF KNOWN</b>	
		Application Number	10/689,970
		Filing Date	October 20, 2003
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

<b>LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM</b>
--

(Title of the Invention)

the specification of which

☐ is attached hereto.

OR

☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

or \_\_\_\_\_ PCT International Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
		Zip Code	90025
Country	USA	Telephone	(408) 947-8200
		Fax	(408) 947-8280

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA

**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☒ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)

Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt. 5  
San Jose, California 95125 USA

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature Charles Kalko Date 5/24/84

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_



Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



<b>DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION</b> (37 CFR 1.63)		Attorney Docket Number	3801P090
		First Named Inventor	Benjamin David Foster
<b>COMPLETE IF KNOWN</b>			
		Application Number	10/689,970
		Filing Date	October 20, 2003
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned

☐ Declaration Submitted with Initial Filing      **OR**      ☒ Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

<b>LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM</b>
--

*(Title of the Invention)*

the specification of which

☐ is attached hereto.

**OR**

☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

PCT International Application Number

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

05/21/04 gcl

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
Zip Code	90025		
Country	USA	Telephone	(408) 947-8200
Fax	(408) 947-8280		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA

05/21/04  
SLP



**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)

Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt. 5  
San Jose, California 95125 USA

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

05/21/04 824

**NAME OF SIXTH INVENTOR:**☐ A petition has been filed for this undersigned inventorFull Name: Sterling Ryan Quick*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*Inventor's Signature  Date 05/21/04Residence San Jose, California USA Citizenship USA*(City, State, Country)**(Country)*Mailing Address 754 The Alameda, #6104 1545 Willow Oaks DrSan Jose, California 95126 USASAN JOSE, CA 95125**NAME OF SEVENTH INVENTOR:**☐ A petition has been filed for this undersigned inventorFull Name: Anne Chang Raimondi*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA*(City, State, Country)**(Country)*Mailing Address 1126 Olive Branch LaneSan Jose, California 95120 USA**NAME OF EIGHTH INVENTOR:**☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_

*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

*(City, State, Country)**(Country)*

Mailing Address \_\_\_\_\_

**NAME OF NINTH INVENTOR:**☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_

*(First, Middle [if any], Family Name (or Surname), and Suffix [if any])*

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

*(City, State, Country)**(Country)*

Mailing Address \_\_\_\_\_

05/21/04 scf



Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of

05/21/04 scd



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Tinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

05/21/04 89



<b>DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 CFR 1.63)</b>  <input type="checkbox"/> Declaration Submitted with Initial Filing      OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e)) required)	Attorney Docket Number	3801P090
	First Named Inventor	Benjamin David Foster
	<b>COMPLETE IF KNOWN</b>	
	Application Number	10/689,970
	Filing Date	October 20, 2003
	Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned	

**As a below named inventor, I hereby declare that:**

My residence, mailing address, and citizenship are as stated below, next to my name.

I believe I am the original and first inventor (if only one name listed below) or an original and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

<b>LISTING RECOMMENDATION IN A NETWORK-BASED COMMERCE SYSTEM</b>
--

*(Title of the Invention)*

the specification of which

☐ is attached hereto.

OR

☒ was filed on (if applicable):

or 10/20/2003 as United States Application Number 10/689,970

PCT International Application Number \_\_\_\_\_

and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment specifically referred to above.

I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith.

Direct all correspondence to: ☒ Customer Number **08791** or ☒ Correspondence address below

Name	André L. Marais Blakely, Sokoloff, Taylor & Zafman LLP		
Address	12400 Wilshire Boulevard, 7th Floor		
City	Los Angeles	State	California
		Zip Code	90025
Country	USA	Telephone	(408) 947-8200
		Fax	(408) 947-8280

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**NAME OF SOLE OR FIRST INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Benjamin David Foster  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 350 E. Taylor Street, Apt. 5211  
San Jose, California 95112 USA

**NAME OF SECOND INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Leonard Robert Speiser  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Redwood City, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1298 Westwood Street  
Redwood City, California 94061 USA

**NAME OF THIRD INVENTOR:** ☒ A petition has been filed for this undersigned inventor

Full Name: Lori Kathleen Stewart  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship Canada  
(City, State, Country) (Country)

Mailing Address 1725 Glen Una Avenue  
San Jose, California 95125 USA

**NAME OF FOURTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Andrew Leigh Sandler  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 65 Glen Eyrie Avenue, Apt. 5  
San Jose, California 95125 USA

**NAME OF FIFTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Charles Zoran Kalko  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Los Gatos, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 108 Wollin Way  
Los Gatos, California 95032 USA

**NAME OF SIXTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Sterling Ryan Quick  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 754 The Alameda, #6104  
San Jose, California 95126 USA

**NAME OF SEVENTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: Anne Chang Raimondi  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature  Date 5/24/04

Residence San Jose, California USA Citizenship USA  
(City, State, Country) (Country)

Mailing Address 1126 Olive Branch Lane  
San Jose, California 95120 USA

**NAME OF EIGHTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_

**NAME OF NINTH INVENTOR:** ☐ A petition has been filed for this undersigned inventor

Full Name: \_\_\_\_\_  
(First, Middle [if any], Family Name (or Surname), and Suffix [if any])

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_  
(City, State, Country) (Country)

Mailing Address \_\_\_\_\_  
\_\_\_\_\_





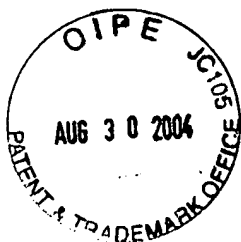
Title 37, Code of Federal Regulations, Section 1.56  
Duty to Disclose Information Material to Patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information, which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.
- (e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of



## Appendix A

I hereby appoint with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith, BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP, a firm including: William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; Vincent H. Anderson, Reg. No. 54,962; Anthony H. Azure, Reg. No. 52,580; W. Thomas Babbitt, Reg. No. 39,591; Jordan M. Becker, Reg. No. 39,602; Todd M. Becker, Reg. No. 43,487; Michael A. Bernadicou, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Cory G. Claassen, Reg. No. 50,296; Thomas M. Coester, Reg. No. 39,637; Mimi D. Dao, Reg. No. 45,628; Stephen M. De Klerk, Reg. No. 46,503; Daniel M. De Vos, Reg. No. 37,813; Elena B. Dreszer, Reg. No. P-55,128; Sanjeet Dutta, Reg. No. 46,145; Nathan P. Elder, Reg. No. P-55,150; Tarek N. Fahmi, Reg. No. 41,402; Thomas S. Ferrill, Reg. No. 42,532; Adam Furst, Reg. No. 51,710; Angelo J. Gaz, Reg. No. 45,907; Andre M. Gibbs, Reg. No. 47,593; James Y. Go, Reg. No. 40,621; Jason R. Graff, Reg. No. 54,134; Arlen M. Hartounian, Reg. No. 52,997; Jeffery Scott Heilesen, Reg. No. 46,765; James A. Henry, Reg. No. 41,064; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; Aslam A. Jaffery, Reg. No. 51,841; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; Steven Laut, Reg. No. 47,736; Suk S. Lee, Reg. No. 47,745; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little-Washington, Reg. No. 41,181; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, Reg. No. 48,095; Paul A. Mendonsa, Reg. No. 42,879; Jonathan S. Miller, Reg. No. 48,534; Heather M. Molleur, Reg. No. 50,432; Richard A. Nakashima, Reg. No. 42,023; Thinh V. Nguyen, Reg. No. 42,034; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Philip A. Pedigo, Reg. No. 52,107; Marina G. Portnova, Reg. No. 45,750; Jon C. Reali, Reg. No. 54,391; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Kevin G. Shao, Reg. No. 45,095; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Edwin H. Taylor, Reg. No. 25,129; Lisa Tom, Reg. No. 52,291; Mark C. Van Ness, Reg. No. 39,865; Thomas A. Van Zandt, Reg. No. 43,219; Mark R. Vatuone, Reg. No. 53,719; Lester J. Vincent, Reg. No. 31,460; John P. Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; Chui-Kiu Teresa Wong, Reg. No. 48,042; and Norman Zafman, Reg. No. 26,250, my patent attorneys, and Chze Koon Chua, 53,831; Brent Vecchia, Reg. No. 48,011 and Lehua Wang, Reg. No. 48,023, my patent agents, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800; and James R. Thein, Reg. No. 31,710, my patent attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.



Attorney's Docket No. 3801P090

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/689,970

Confirmation No.: 4437

Applicants: Benjamin David Foster, et al.

Filed: October 20, 2003

Art Unit: N/A

Examiner: N/A.

Docket No.: 3801.P090

Customer No.: 08791

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

on 8-25-2004  
Date of Deposit

Dawn R. Shaw  
Name of Person Mailing Correspondence  
Dawn R. Shaw 8-25-04  
Signature Date

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

REQUEST UNDER 37 C.F.R. § 1.32(c)(3) FOR RECOGNITION OF A  
MAXIMUM OF TEN PRACTITIONERS FROM THOSE NAMED IN  
DECLARATION AND POWER OF ATTORNEY

Sir:

Accompanying this Request is a Declaration and Power of Attorney that names more than ten patent practitioners. In accordance with 37 C.F.R. § 1.32(c)(3), applicant(s) hereby request that the following patent practitioners (maximum of ten) from those named in that Declaration and Power of Attorney be recognized by the U.S. Patent and Trademark Office as being of record for the patent application to which the Declaration and Power of Attorney is directed:

Attorney	Reg. No.	Attorney	Reg. No.
Jordan M. Becker	39,602	Andre L. Marais	48,095
Michael A. Bernadicou	35,934	Nathan P. Elder	55,150
Stephen M. DeKlerk	46,503	Mark R. Vatuone	53,719
Sheryl Sue Holloway	37,850	Tarek N. Fahmi	41,402
Elena B. Dreszer	55,128	Chze Koon Chua	53,831

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 8-25, 2004




---

Elena B. Dreszer  
Reg. 55,128

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 720-8300